

AG Balderas supports vulnerable populations

Written by By N. M. Office of the Attorney General
Friday, 23 August 2019 02:48



Joins 22 attorneys general

In an action designed to protect against discrimination against women, people with disabilities, the LGBTQ community and other vulnerable populations, Attorney General Hector Balderas joined a coalition of 22 attorneys general in submitting a comment letter that opposes the U. S. Department of Health and Human Services' (HHS) proposed rule to drastically undermine Section 1557 of the Patient Protection and Affordable Care Act (ACA), which prohibits discrimination in federal healthcare programs, benefits, and services. Specifically, Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, disability, and age. The proposed rule would roll back anti-discrimination protections for women, LGBTQ individuals, individuals with limited English proficiency, and individuals with disabilities by undermining critical legal protections that guarantee healthcare as a right.

“All New Mexican families deserve access to quality healthcare and should not be discriminated against for any reason,” Attorney General Balderas said. “President Trump continues to spread hate and anti-American values through policies like this, and I will continue to fight against every attempt to divide our communities and take valuable healthcare away from women and minorities.”

The ACA prohibits discrimination in federal healthcare - from Medicaid, Medicare, and the healthcare exchanges, to federal healthcare grant programs providing safeguards against discrimination. Further, the ACA expressly seeks to provide equity in healthcare and prohibits any regulation that creates unreasonable barriers for individuals to obtain healthcare. The proposed rule contradicts this and other federal civil rights laws by sanctioning discrimination in

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our healthcare system. It will withdraw key protections, placing patients at greater risk of discrimination on the basis of race, color, national origin, sex, disability, and age.

In the letter dated Aug. 14, the attorneys general emphasize that the rule would undermine the robust anti-discrimination protections set under current law.

This would specifically harm:

Women: The proposed rule reverses protections against discrimination on the basis of pregnancy, false pregnancy, termination of pregnancy, recovery from childbirth or related conditions. It would lead to the denial of service related to reproductive health, resulting in an increase in unintended pregnancies.

LGBTQ Individuals: The proposed rule reverses protections against discrimination on the basis of sex stereotyping and gender identity. It would lead LGBTQ individuals, who already experience barriers to receiving medical services, to avoid seeking healthcare services.

Individuals with Limited English Proficiency: The proposed rule reverses protections for nearly 25 million people in the United States who do not speak English “very well” and may be considered limited English proficient. It would reverse language assistance requirements that ensure individuals are able to communicate with their healthcare service and coverage providers.

Individuals Living with Disabilities: The proposed rule seeks to reverse requirements set in place to ensure providers make reasonable modifications to policies, practices, or procedures when necessary, to avoid discrimination on the basis of disability.

Attorney General Balderas joined a coalition in filing the letter, alongside the Attorneys General of Connecticut, Delaware, Hawai‘i, Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Vermont, Virginia, Washington, and the District of Columbia.

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